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General Assembly
Security Council

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General Assembly
Sixty-sixth session
Agenda items 30 and 122

Security Council
Sixty-sixth year

Report of the Security Council

Question of equitable representation on and increase in the membership of the Security Council and related matters

Identical letters dated 23 November 2011 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

I have the pleasure to write to you in my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement concerning the open debate of the Security Council, to be held on 30 November 2011, on the implementation of the note by the President of the Security Council (S/2010/507) dated 26 July 2010.

In order to have a rich debate on the subject matter on 30 November, which could lead to the achievement of our mutual goal of further improving the working methods of the Security Council, I am attaching herewith, for your consideration and the consideration of the members of the General Assembly and the Security Council, the position of the Non-Aligned Movement concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the final document (A/65/896-S/2011/407, annex I), adopted by the Sixteenth Ministerial Conference of the Non-Aligned Movement, held in Bali, Indonesia, in May 2011, with a view to assisting the Security Council in its efforts to achieve the desired progress in reforming the working methods of the Council (see annex).

In this regard, I stress the importance that the Non-Aligned Movement attaches to having its positions taken into consideration in any possible outcome of the open debate of the Security Council.

I should highly appreciate if the present letter and its annex could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador
Permanent Representative

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Annex to the identical letters dated 23 November 2011 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

Position of the Non-Aligned Movement concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the final document (A/65/896-S/2011/407, annex I), adopted by the Sixteenth Ministerial Conference of the Non-Aligned Movement, held in Bali, Indonesia, in May 2011

The Ministers underscored the need for the States Members of the United Nations to fully respect the functions and powers of each principal organ of the United Nations, in particular the General Assembly, and to maintain the balance among those organs within their respective Charter-based functions and powers. They stressed that the Security Council must fully observe all provisions of the Charter as well as all General Assembly resolutions, which clarify its relationship with the latter organ and other principal organs. In this context, they affirmed that Article 24 of the Charter does not necessarily provide the Security Council with the competence to address issues which fall within the functions and powers of the General Assembly and the Economic and Social Council, including in the areas of norm-setting, legislation, administrative and budgetary matters and establishing definitions, bearing in mind that the Assembly is primarily tasked with the progressive development of international law and its codification.[1] The Ministers expressed their grave concern over the increasing and continuing encroachment by the Council on issues which clearly fall within the functions and powers of other principal organs of the United Nations and their subsidiary bodies. They further stressed that close cooperation and coordination among all principal organs is highly indispensable in order to enable the United Nations to remain relevant and capable of meeting the existing, new and emerging threats and challenges (A/65/896-S/2011/407, annex I, para. 71).

The Ministers stressed that while Member States have conferred on the Security Council the primary responsibility for the maintenance of international peace and security pursuant to Article 24 (1) of the Charter and in carrying out its duties under this responsibility, the Council acts on their behalf. In this context, they further stressed that the Council should report and be accountable to the General Assembly in accordance with Article 24 (3) of the Charter (ibid., para. 72).

The Ministers reiterated their concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fall within the competence of the latter organs, and the attempts to enter areas of norm-setting, administrative and budgetary matters and establishing definitions which fall within the purview of the Assembly (ibid., para. 73).

[1] In accordance with Article 13 (1) of the Charter of the United Nations.

The Ministers:

Urged all States to uphold the primacy of and full respect for the provisions of the Charter pertaining to the functions and powers of the General Assembly, called on the Presidents of the General Assembly, the Economic and Social Council and the Security Council to conduct regular discussions and coordination among themselves regarding the agenda and programme of work of the respective principal organs that they represent in order to establish increased coherence and complementarity among these organs in a mutually reinforcing manner, respectful of each others' mandates, and with a view to generating a mutual understanding among them, with whom the members of the respective organs that they represent have vested in good faith their trust and confidence (ibid., para. 74.1);

Welcomed as a step forward the informal meetings between the Presidents of the Council for the month of July and States Members of the United Nations on the preparation of the annual report of the Security Council, including those convened by Viet Nam in 2008, Uganda in 2009 and Nigeria in 2010, and called for more regular interactions between future Presidents of the Council for the month of July and the wider membership of the United Nations, which could help enhance the quality of such reports (ibid., para. 74.2);

Called on the Security Council to submit a more explanatory, comprehensive and analytical annual report to the General Assembly, assessing the work of the Council, including such cases in which the Council has failed to act, and the views expressed by its members during the consideration of the agenda items under its consideration. They further called on the Security Council to elaborate the circumstances under which it adopts different outcomes whether resolutions, presidential statements, press statements or elements to the press (ibid., para. 74.3);

Called on the Security Council, pursuant to Articles 15 (1) and 24 (3) of the Charter, to submit special reports for the consideration of the General Assembly (ibid., para. 74.4);

Called on the Security Council to ensure that its monthly assessments are comprehensive and analytical, and issued in a timely fashion. The General Assembly may consider proposing parameters for the elaboration of such assessments (ibid., para. 74.5);

Called on the Security Council to fully take into account the recommendations of the General Assembly on matters relating to international peace and security, consistent with Article 11 (2) of the Charter (ibid., para. 74.6);

Opposed and called for a stop to attempts to shift issues under the agenda of the General Assembly or the Economic and Social Council to the Security Council, and the encroachment by the latter on the functions and powers of the Assembly (ibid., para. 74.7).

In recent years, the Security Council has been too quick to threaten or authorize enforcement action in some cases while being silent and inactive in others. Furthermore, the Council has been increasingly resorting to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose an immediate threat to international peace and security. A careful review of these trends indicates that the Council could have opted for alternative provisions to respond more appropriately to particular cases. Instead of excessive and quick use of

Chapter VII, efforts should be made to fully utilize the provisions of Chapters VI and VIII for the pacific settlement of disputes. Chapter VII should be invoked, as intended, as a measure of last resort. Unfortunately, provisions of Articles 41 and 42 in some cases have been too quickly resorted to while the other options had not been fully exhausted (ibid., para. 82.4).

The Security Council-imposed sanctions remain an issue of serious concern to the countries members of the Non-Aligned Movement. In accordance with the Charter, the imposition of sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the Charter have been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions. Sanctions are a blunt instrument, the use of which raises fundamental ethical questions of whether sufferings inflicted on vulnerable groups in the target country are legitimate means of exerting pressure. The objectives of sanctions are not to punish or otherwise exact retribution on the populace. In this regard, the objectives of sanctions regimes should be clearly defined, and the imposition of sanctions should be for a specified time frame and should be based on tenable legal grounds, and they should be lifted as soon as the objectives are achieved. The conditions demanded of the State or party on which sanctions are imposed should be clearly defined and subject to periodic review. Sanctions should be imposed only when there exists a threat to international peace and security or an act of aggression, in accordance with the Charter, and when such a threat is not applicable "preventively" in instances of mere violation of international law, norms or standards. Targeted sanctions may be a better alternative so long as the population of targeted State concerned is not victimized, whether directly or indirectly (ibid., para. 82.5).

Transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures. Regrettably, the Council has neglected these important factors on numerous occasions. Such instances include unscheduled open debates with selective notification, reluctance in convening open debates on some issues of high significance, repeatedly restricting participation in some of the open debates and discriminating between members and non-members of the Council, particularly with regard to sequencing and time limits of statements during the open debates, failure to submit special reports to the General Assembly as required under Article 24 of the Charter, submission of annual reports still lacking sufficient information and analytical content, and lack of minimal parameters for the elaboration of the monthly assessment by the Security Council Presidencies. The Council must comply with the provisions of Article 31 of the Charter, which allow any non-Council member to participate in discussions on matters affecting it. Rule 48 of the provisional rules of procedure of the Security Council should be thoroughly observed. Closed meetings and informal consultations should be kept to a minimum and as the exception they were meant to be (ibid., para. 82.6).

The rules of procedure of the Security Council, which have remained provisional for more than 60 years, should be formalized in order to improve its transparency and accountability (ibid., para. 82.9).

The Ministers:

Called on the Security Council to increase the number of public meetings, in accordance with Articles 31 and 32 of the Charter, and that these meetings should provide real opportunities to take into account the views and contributions of the

wider membership of the United Nations, particularly non-Council members whose affairs are under the discussion of the Council (ibid., para. 83.1);

Called on the Security Council to allow briefings by the Special Envoys or Representatives of the Secretary-General and the United Nations Secretariat to take place in public meetings, unless in exceptional circumstances (ibid., para. 83.2);

Called on the Security Council to further enhance its relationship with the United Nations Secretariat and troop-contributing countries, including through a sustained, regular and timely interaction. Meetings with troop-contributing countries should be held not only in the drawing up of mandates, but also in their implementation, when considering a change in, or renewal of, or completion of a mission mandate, or when there is a rapid deterioration of the situation on the ground. In this context, the Security Council Working Group on Peacekeeping Operations should involve troop-contributing countries more frequently and intensively in its deliberations, especially in the very early stages of mission planning (ibid., para. 83.3);

Called upon the Security Council to uphold the primacy of and respect for the Charter in connection with its functions and powers and stressed once again that the decision by the Council to initiate formal or informal discussions on the situation in any State Member of the United Nations or any issue that does not constitute a threat to international peace and security is contrary to Article 24 of the Charter (ibid., para. 83.4);

Called on the Security Council to establish its subsidiary organs in accordance with the letter and spirit of the Charter, and stressed that these organs should function in a manner that would provide adequate and timely information on their activities to the general United Nations membership (ibid., para. 83.5);

Rejected any attempts to use the Security Council to pursue national political agendas and stressed the necessity of non-selectivity and impartiality in the work of the Council, and the need for the Council to keep strictly within the powers and functions accorded to it by the Member States under the Charter (ibid., para. 83.6);

Called on the Security Council to avoid resorting to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose a threat to international peace and security, and to fully utilize the provisions of other relevant Chapters, where appropriate, including Chapters VI and VIII, before invoking Chapter VII, which should be a measure of last resort, if necessary (ibid., para. 83.7).

United Nations S/2011/733

Security Council

Distr.: General
23 November 2011

Original: English

Letter dated 22 November 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Assistance Mission in Afghanistan (UNAMA), established by Security Council resolution 1401 (2002) of 28 March 2002. Following the usual consultations, it is my intention to appoint Ján Kubiš (Slovakia) as my Special Representative for Afghanistan and Head of UNAMA.

Mr. Kubiš will replace Staffan de Mistura (Sweden), who will complete his assignment on 31 December 2011. Mr. Kubiš will assume his functions in Afghanistan in January 2012. I will inform the Security Council in my forthcoming report of how I envisage the responsibilities to be carried out by my Special Representative under the mandate of UNAMA.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

I would like to express my gratitude to Mr. de Mistura for his dedication and leadership of UNAMA, serving in one of the most challenging duty stations during a period that has seen important developments, including parliamentary elections, a high-level international conference held in Kabul and the beginning of the transition of security responsibilities to the Government of Afghanistan.

(*Signed*) **BAN** Ki-moon

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United Nations S/2011/734

Security Council

Distr.: General
23 November 2011

Original: English

Letter dated 23 November 2011 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 22 November 2011 (S/2011/733) concerning your intention to appoint Ján Kubiš (Slovakia) as your Special Representative for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) José Filipe **Moraes Cabral**
President of the Security Council

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United Nations S/2011/735

Security Council

Distr.: General
25 November 2011

Original: English

Identical letters dated 25 November 2011 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith the position of the Syrian Arab Republic on the seventeenth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2011/715) (see annex).

I would highly appreciate it if the present letter and its annex could be circulated as a document of the Security Council before the date of the discussion of that report by the Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the identical letters dated 25 November 2011 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Upon instructions from my Government, I would like to state the position of the Government of the Syrian Arab Republic on the seventeenth periodic report of the Secretary-General on the implementation of Security Council resolution 1701 (2006).

The Syrian Arab Republic reaffirms respect for the sovereignty, territorial integrity, unity and political independence of Lebanon. Syria further reaffirms its commitment to providing all possible support and assistance to consolidate the authority and sovereignty of Lebanon over all Lebanese territory.

- As regards paragraphs 6, 43, 44 and 77, it is unacceptable to continue dragging the name of Syria or the internal situation in Syria into the Secretary-General's report on the implementation of Security Council resolution 1701 (2006), which was adopted with regard to Israeli aggression against Lebanon, because that falls outside the mandate of the Secretary-General's representative. The incidents and figures mentioned in these paragraphs concerning the influx of Syrians into Lebanon or the opening of cross-border fire and Syrian military involvement inside Lebanese territory are incorrect. What the Secretary-General's representative stated has been proven to be incorrect, as pointed out by numerous official Lebanese bodies, because no Syrian soldier has entered Lebanese territory. The majority of those who fled to Lebanon as a result of the actions of armed terrorist groups returned of their own volition after the restoration of security in the border area. Most of the information about Syria contained in the report has been taken from misleading media sources which publish, for the most part, fabrications directed against Syria. The presentation of false reports to the Security Council about Syria in a report on Lebanon is a contravention of resolution 1701 (2006) and members of the Security Council should hold to account whoever seeks to mislead them. The attempt to drag Syria's name into the internal Lebanese situation is part of the campaign against Syria.

- As regards the contents of paragraphs 39 and 42, on the arms embargo and border control, the Secretary-General's representative, although claiming omniscience, is ignorant of the fact that the arms, as everyone knows, are being smuggled from Lebanon into Syria by particular groups in Lebanon involved in attempts to destabilize Syria by supplying armed terrorist groups in Syria with weapons and funds. The Lebanese and Syrian authorities have intercepted many of these smuggling operations and statements have been made officially and in the media in both Lebanon and Syria; there are several individuals currently before the Lebanese courts.

- Syria reiterates its non-acceptance of the references in paragraphs 45, 48, 49, 50, 72 and 73 of the report to the drawing of the border between Syria and Lebanon, as this issue is a bilateral matter between the two countries. Syria stresses once more that the real obstacle to drawing in full the Syrian-Lebanese

border is the continued Israeli aggression and occupation of the Syrian Golan and the Shebaa Farms. Accordingly, the drawing of the border in this area is, in the light of the occupation, an impossibility. The international community must exert the required effort to compel Israel to withdraw from the occupied Lebanese and Syrian territories pursuant to the resolutions of international legitimacy, especially Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace, in order to achieve a just and comprehensive peace in the region.

- We affirm once more that the statement in paragraph 72 about the drawing of the border being critical for the positive relationship between the two countries is unacceptable. The relationship which currently exists between the two countries is positive and casting doubt on it is interference in the internal affairs of the two countries.

- The main party violating resolution 1701 (2006) is Israel. Whoever claims to want Lebanon's stability and territorial integrity must also want its security and independence. Consequently, it is essential to put real pressure on Israel to withdraw from the remaining occupied Lebanese territory and take deterrent measures to prevent and put an end to Israeli violations.

- As regards what paragraphs 35 and 70 have to say about "armed Palestinian groups", the Palestinian presence in Lebanon is regulated by Lebanese-Palestinian agreements, which have no connection with Syria. Regarding the report's reference to Palestinian positions straddling the Syrian-Lebanese border, we affirm once again that all these positions lie inside Lebanese territory. Consequently, this is not a matter for Syria to involve itself with. The principal reason for the Palestinian presence in Lebanon and neighbouring States, including Syria, is Israel's continued occupation of Palestinian territory and its refusal to implement the resolutions of international legitimacy, especially Security Council resolutions 242 (1967) and 338 (1973) and General Assembly resolution 194 (III), which guarantee the refugees' right of return to the lands from which they were expelled.

- The compilers of the report must undertake to respect the independence and sovereignty of Lebanon and not interfere in its internal affairs under any pretext. Furthermore, they must not continue to turn a blind eye to the fact that the essential element for the security and stability of Lebanon is deterring Israel from its ongoing violations and ending its occupation of Lebanese territory.

- We affirm once more that the international community, if it wishes to play a positive role on the Lebanese scene, must strive as a matter of urgency to end the Israeli occupation of Lebanese territory. This will, of itself, bolster the security and stability of Lebanon and have a positive impact on Syria and the entire region.

- Finally, Syria affirms once more its support for the stability and security of Lebanon, for Lebanon's efforts to liberate the part of its territory which is occupied by Israel and for the territorial integrity, sovereignty and independence of Lebanon.

United Nations S/2011/736

Security Council

Distr.: General
28 November 2011

Original: English

First report of the Secretary-General pursuant to paragraph 6 of resolution 2001 (2011)

I. Introduction

1. In paragraph 6 of its resolution 2001 (2011), the Security Council requested the Secretary-General to report to the Council every four months on the progress made towards the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the first submitted pursuant to that resolution.

2. The report provides an update on the activities of the United Nations in Iraq since my third report pursuant to paragraph 6 of Security Council resolution 1936 (2010) (S/2011/435) of 7 July 2011. It covers key political developments and regional and international events as well as operational and security matters concerning Iraq.

II. Summary of key political developments pertaining to Iraq

A. Political developments

3. Since July 2011, political blocs have continued negotiations, although inconclusively, on a number of outstanding political issues, including the appointment of the heads of the three security-related ministries, namely the Ministers of Defence, the Interior and National Security (although Sadoun al-Dulaimi was appointed Acting Minister of Defence on 16 August). Discussions also continued on the establishment of the proposed National Council for Strategic Policies, which was envisaged as part of the agreement reached in Erbil in November 2010 that led to the formation of the current Government. Officials of the Government of Iraq and the Kurdistan Regional Government started negotiations on pending issues between them, including the draft oil and gas law and the implementation of measures agreed upon during the government-formation process.

4. On 30 July, the Council of Representatives approved Prime Minister Nuri al-Maliki's proposal to reduce the size of his cabinet by cutting 12 posts of Ministers of State. The Prime Minister had proposed this measure in response to demands made earlier during public demonstrations calling for reform and improvement in the delivery of services. In the next phase, the Prime Minister is

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expected to propose the merging of ministries with similar functions. Meanwhile, during the reporting period, smaller demonstrations took place in various cities focusing on jobs, better provision of services and an end to perceived corruption.

5. On 2 August, President Jalal Talabani hosted a meeting of leaders of political blocs to discuss issues related to the implementation of the Erbil agreement. As part of the agreement, the leaders had requested the Presidency to present a draft law to the Council of Representatives on the establishment of the National Council for Strategic Policies. The draft law had been presented and had been read at the Council of Representatives for the first time on 11 August, but it remains to be enacted owing to the lack of a consensus among the political blocs on the composition and mandate of the National Council.

6. On 7 August, the Minister of Electricity, Raad al-Shalal, resigned after alleged irregularities in the Ministry involving foreign contractors. On 10 October, the Council of Representatives endorsed the Prime Minister's nomination of Abdul Karim Aftan al-Jumailias the new Minister for Electricity.

7. The United States Forces in Iraq continued their planned drawdown with the intention of completing it, in accordance with the status-of-forces agreement, by 31 December 2011. At the meeting hosted by President Talabani on 2 August, leaders of political blocs agreed to request the Government to start negotiations with the United States of America on the possible presence of United States military trainers beyond the end of the year. This was followed by inconclusive negotiations between the Governments of the United States and Iraq on the number, mandate and immunity of such trainers. On 21 October, President Barack Obama announced that all United States troops in Iraq stationed under the status-of-forces agreement would leave Iraq by year's end, as planned.

8. Following the withdrawal of the United States Forces in Iraq from Diyala governorate on 15 August, an additional brigade of Kurdish Peshmerga forces was deployed to the area. The arrival of those forces, which are normally supervised jointly by the Iraqi security forces, Kurdish troops and the United States Forces in Iraq, resulted in some tension. Within days, a senior working group of the combined security mechanism, consisting of representatives of the Government of Iraq, the Kurdistan Regional Government and the United States Forces in Iraq, discussed the issue and worked to stabilize the situation. Arrangements for the combined security mechanism in the disputed internal territories of Iraq after the withdrawal of the United States Forces in Iraq has been completed remain to be defined.

9. On 11 October, Prime Minister Al-Maliki requested local authorities in the Khanaqin District to remove the flag of the Kurdistan Regional Government from their administrative buildings. The local District Administrator refused to remove the flag, noting that it had been there since the fall of the former regime in 2003. The Kurdistan Regional Government supported the position of the District Administrator and demonstrations were held to protest the Prime Minister's request. Many residents of Khanaqin raised the Kurdistan Regional Government's flag on the rooftops of their houses. The issue remains unresolved.

10. From 4 to 7 October, a delegation representing the Kurdistan Regional Government visited Baghdad to discuss outstanding issues with the Government of Iraq. Among other matters, they discussed the draft oil and gas law that the Government had submitted to the Council of Representatives on 28 August.

Differences remain over provisions in the draft law that relate to the structure of the proposed federal oil and gas council and its powers over the oil and gas sector. Following the delegation's visit, officials of the Kurdistan Regional Government stated that a new draft agreeable to both parties would be submitted to the Council of Representatives by December 2011. Other issues discussed related to the implementation of article 140 of the Constitution, the budget for Kurdish Peshmerga forces and the implementation of the Erbil agreement. The discussions concluded with an agreement to form joint committees to look into the issues pending between the two sides.

11. In the Kurdistan region, since 11 July, ruling and opposition parties have suspended negotiations on reforms mainly because of demands from opposition parties (Goran, the Kurdish Islamic Union and the Kurdish Islamic Group) to create an environment conducive to dialogue prior to the actual negotiations. As in the previous reporting period, public demonstrations took place in the Kurdish region to call for governance reforms. To address these concerns and to restart dialogue, on 27 August the President of the Kurdistan Regional Government, Massoud Barzani, issued four decrees releasing funding for political parties that plan to participate in the forthcoming provincial elections and authorizing the establishment of a ministerial committee to investigate cases against those who had committed violence during recent protests.

12. On 27 October, the Salah ad-Din Provincial Council voted to initiate a process to declare itself an autonomous region. The move, which was made in response to the arrest of alleged members of the former Baath Party in the province and elsewhere in the country, was controversial. The leaders of some political blocs publicly rejected the initiative, while others supported it, saying that the demand was in line with constitutional provisions on the formation of regions. In accordance with the Iraqi constitution, a province can ask for a referendum to form a new region or join an existing region. Such requests have to be approved by the Council of Ministers prior to the arrangement of a vote. The decision taken by the Salah ad-Din Provincial Council led to renewed calls for the formation of regions in other provinces, including Ninawa, Al-Anbar and Diyala.

13. In Kirkuk, parties continued to collaborate after a power-sharing agreement was reached in March 2011 on the distribution of the province's top three posts, including those of the Chairman of the Provincial Council, the Governor and the Deputy Governor, among the Turkmen, Kurdish and Arab communities. However, political tensions between the three main communities in the province remain. On 9 August, the Governor of Kirkuk announced the establishment of an anti-terrorist centre in Kirkuk, and appointed a Turkmen candidate director-general of the centre.

14. On 15 September, the Iraqi Turkmen Front announced the establishment of a 150-strong force to protect the Turkmen community following the recent killing of members of the community. Local Kurdish and Arab community leaders voiced their opposition to the establishment of such a force. Discussions to resolve this matter are under way.

B. Regional developments pertaining to Iraq

15. During the reporting period, bilateral talks between Iraq and Kuwait remained on hold, mainly owing to differences over Kuwait's proposal to build the port of

Mubarak on the island of Bubiyan. The two sides have yet to agree on the date of the second meeting of the Joint Ministerial Committee to follow up on the issues discussed during the first meeting, held in Kuwait on 28 and 29 March.

16. On 14 and 15 August, a delegation from the Government of Iraq visited Kuwait to discuss the construction of the port of Mubarak. After the visit, the delegation submitted its report to the Council of Ministers of Iraq, which has yet to take a final position on the matter. Meanwhile, several Iraqi members of parliament issued separate statements calling on the Government to ask Kuwait to stop the project, saying it would harm the economic and navigational interests of Iraq.

17. A number of Iraq's obligations under Chapter VII of the Charter of the United Nations pertaining to Kuwait remain pending. They include the implementation of Security Council resolutions related to the Iraq-Kuwait boundary maintenance project and compensation payments to Iraqi private citizens pursuant to Council resolution 899 (1994). During the reporting period, my Special Representative for Iraq, Martin Kobler, held consultations with officials of the Governments of Iraq and Kuwait with a view to making further progress on all these fronts. In addition, my High-level Coordinator for compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third country nationals or their remains, as well as the return of all Kuwaiti property, including archives seized by Iraq, Gennady Tarasov, continued his efforts aimed at the implementation of his mandate.

18. On 12 September, the Prime Minister of Jordan, Marouf Bakhit, visited the Kurdistan region and officially inaugurated the Jordanian consulate in Erbil.

19. From 30 September to 2 October, Speaker of Parliament Usama al-Nujaifi visited Tehran, where he met with Iranian officials, including President Mahmoud Ahmadinejad and Mr. Al-Nujaifi's Iranian counterpart, Ali Larijani, to discuss bilateral cooperation and exchange views on the developments in the region.

20. On 19 October, terrorists from the Kurdistan Workers Party (PKK) operating from Iraqi territory launched an attack in Hakkari province in south-eastern Turkey that resulted in the death of 24 Turkish soldiers. In response, Turkey launched ground and air assaults on PKK targets in northern Iraq. Following the incident, Kurdistan Regional Government President Barzani spoke to Turkish President Abdullah Gül and Prime Minister Recep Tayyip Erdoğan. He expressed his condolences to the families of the victims and condemned the PKK attacks. The Minister for Foreign Affairs of Iraq, Hoshyar Zebari, also discussed the situation with the Minister for Foreign Affairs of Turkey, Ahmet Davutoğlu.

21. On 30 and 31 October, the Minister for Foreign Affairs of the Islamic Republic of Iran, Aliakbar Salehi, visited Baghdad to meet with Iraqi officials and discuss further ways to strengthen bilateral relations in the areas of trade, economy and border security. The importance of stability and security of Iraq for the region was emphasized.

22. On 14 November, in the context of the deliberations of the League of Arab States on the Syrian Arab Republic, Minister for Foreign Affairs Zebari spoke of the need to immediately end the killing, violence and armed clashes in Syrian cities and for genuine national dialogue between the Government of the Syrian Arab Republic and the opposition under the umbrella of the League. Iraq abstained from a vote to suspend the Syrian Arab Republic from the League.

C. International developments

23. In September, President Talabani led the Iraqi delegation to the General Assembly, which he addressed on 24 September. He stated that Iraq was striving to build a democratic State anchored in peace and the rule of law, with communities living in harmony, irrespective of their sectarian, ethnic or factional affiliations. He went on to say that the Iraqi security forces had proved that they were capable of providing security and combating terrorism following the withdrawal of the United States Forces from Iraq at the end of the year. President Talabani further encouraged the international community to seek investment opportunities in Iraq in the fields of oil, natural gas and infrastructure.

III. Activities of the United Nations Assistance Mission for Iraq

A. Political activities

24. On 8 October, my Special Representative for Iraq, Mr. Kobler, assumed his duties in Baghdad. Upon his arrival, he began holding consultations with Iraqi officials and leaders on the implementation of the UNAMI mandate. He met with President Talabani, Prime Minister Al-Maliki, Speaker of Parliament Al-Nujaifi, the Deputy Prime Ministers, Minister for Foreign Affairs Zebari and other Government ministers and leaders of political blocs. Iraqi leaders and officials reiterated their support for UNAMI and the work of my Special Representative.

25. On 22 and 23 October, my Special Representative visited Erbil to meet with officials of the region. During his visit, he met with Kurdistan Regional Government President Barzani, Prime Minister Barham Saleh, Minister for the Interior Kerim Sinjari and other officials, who updated him on recent discussions between the officials of the Kurdistan Regional Government and the federal Government, including pending issues related to the Erbil agreement.

26. During his consultations with key interlocutors, my Special Representative explored the possibility of resuming the work of the standing consultative mechanism, which is a forum that brings together key actors, including representatives of the Government of Iraq, the Kurdistan Regional Government and the Iraqiya bloc, to discuss issues of shared concern. Discussions in the past have focused on holding provincial council elections in Kirkuk, power-sharing in Ninawa, the census and the future of the combined security mechanism.

27. On 29 and 30 October, my Special Representative visited Kirkuk to meet with senior local officials. He met with Governor Najmeldin Karim, Deputy Governor Rakan al-Juburi and Chairperson of the Provincial Council Hasan Turan. The officials briefed the Special Representative on the latest developments relating to the situation in Kirkuk and the key pending issues and challenges that needed to be addressed, including the prospects for holding provincial council elections. In Kirkuk, the Special Representative met with representatives of the Christian community to discuss the challenges they face in the province. On 31 October, he also visited the Al-Basrah governorate to meet with local officials, including the Governor and the Chairman of the Provincial Council.

28. During the reporting period, the UNAMI liaison office in Tehran continued to explore potential areas of cooperation between Iraq and the Islamic Republic of Iran. Particular focus was given to establishing a facilitating role with the United Nations country teams in both countries to address issues such as sandstorms, the management of marshlands, transboundary water issues and cooperation on demining the border and drug control.

29. On 26 September, together with the Human Rights Committee of the Council of Representatives, and with support of the United Nations Development Programme (UNDP), UNAMI hosted a round table on the legislative framework for the protection of the rights of ethnic and religious communities and components in Iraq. The round table built on past efforts by UNAMI to enable a diverse group of participants to discuss the development of a long-awaited legislative framework on the protection of the rights of minorities, as stipulated in article 125 of the Constitution.

30. In Kirkuk and other disputed internal territories of Iraq, UNAMI continued to facilitate confidence-building measures. During the reporting period, the Detainee and Missing Persons Committee of the Kirkuk Provincial Council, which includes members of the Arab, Turkmen and Kurdish communities, resumed its work. In August, the Committee met with Kurdish security forces to discuss the issue of detainees. The Committee agreed to focus on revising the list of detainees and missing persons and to submit it to the Kurdish side. In the process, UNAMI facilitated contacts between the parties.

B. Electoral assistance activities

31. On 28 July, the Council of Representatives rejected a no-confidence motion in the Board of Commissioners of the Independent High Electoral Commission for alleged financial and administrative irregularities by a vote of 94 of the 245 members present. On 14 August, the Federal Supreme Court declared the earlier removal of one commissioner by the Council of Representatives illegal and ordered his reinstatement.

32. On 7 August, my former Special Representative for Iraq, Ad Melkert, encouraged the Speaker of the Council of Representatives to start the process for the appointment of the next Board of Commissioners of the Independent High Electoral Commission, ahead of the expiration of the term of the current Board in April 2012. On 6 October, the Council of Representatives established a parliamentary nomination committee and UNAMI was invited to attend as an observer.

33. During consultations with the heads of all parliamentary political blocs and nomination committee members, UNAMI expressed its readiness to support the process, while underlining the need for it to be credible and transparent. UNAMI has also encouraged the current Board of Commissioners to prepare for a smooth transition process, including by drafting its final report to the Council of Representatives, properly archiving documents and carrying out a comprehensive inventory of its assets.

34. UNAMI continues to support the Independent High Electoral Commission in maintaining its readiness to implement forthcoming electoral events. The holding of governorate council elections in the three governorates of the Kurdistan region were postponed indefinitely in September 2011 owing to delays in amendments to the relevant electoral laws and the release of the election budget. On 1 November, the

Kurdistan Regional Government adopted amendments to its provincial council elections law according to which the date of the polls will be announced after consultation with the Commission. In that regard, the Commission has established that a 180-day period is required subsequent to the adoption of the legal framework and the transfer of the operational budget. To date, only 10 per cent of the operational budget, estimated at $30 million, has been made available to the Commission.

35. During the reporting period, the United Nations integrated electoral team, comprising UNAMI, UNDP, the United Nations Office for Project Services (UNOPS) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), continued to provide capacity-building assistance to the Commission, including by training electoral staff on advanced project management, election logistics and procurement, software development, the preparation of public outreach materials and access to information policies.

C. Technical preparations for the census

36. The holding of a nationwide census in Iraq has been postponed, largely because of the need to resolve related political issues. Attempts by the Government of Iraq to settle these outstanding disagreements through three governorate-level committees in the disputed territories have yet to yield a consensus because of differences over jurisdiction, the issue of the inclusion of ethnicity in the questionnaire and the criteria for data collection.

37. The United Nations Population Fund (UNFPA) continued its capacity-building programme in support of Iraq's preparations for the nationwide census. An international technical advisory board, co-chaired by the Minister of Planning and the Director of the United Nations Statistics Division, has endorsed the preparations, plans and tools of the census. The Government of Iraq has allocated $150 million for the census exercise. UNFPA has received $7 million, of which $5.5 million has been spent, to provide support to the initiative through the Iraq Trust Fund.

D. Development and humanitarian assistance

38. In partnership with the Government of Iraq, the United Nations country team continues to implement the United Nations Development Assistance Framework for the period 2011-2014. Discussions are ongoing with the Government of Iraq and the Kurdistan Regional Government regarding the co-financing of United Nations programmes and activities within the 2012 budget. For the first time, the Government has started allocating funds, amounting to $250 million, from the federal budget for the cost-sharing of projects to be spent in partnership with the international community, including projects with United Nations agencies, funds and programmes active in Iraq.

39. The United Nations country team continues to support the efforts of the Government of Iraq to assess the country's progress towards the achievement of the Millennium Development Goals. This includes capacity development support to the Government for the Iraq Knowledge Network Survey, which will provide the first update since 2007 on several indicators of progress on the Goals and other crucial data on access to essential services, the labour force, food security and governance.

40. Through the inter-agency programme for the modernization of the public sector in Iraq, led by UNDP, service delivery models and costing studies for a number of public sector areas, including health, education and water and sanitation, have been finalized. These activities support the modernization of administrative procedures and management systems and feed into the Government's vision and road map for public sector reform in Iraq, which is to be finalized in the coming months. The UNDP-led public financial management programme continues to assist the Kurdistan Regional Government in strengthening its capacity to implement its budget.

41. On 24 October, in a speech before the Acting Chair of the Iraqi Commission on Integrity, Judge Ala'a Saadi, Prime Minister Al-Maliki reiterated his Government's determination to combat corruption and support the work of the Commission in this regard.

42. The Food and Agriculture Organization of the United Nations continues to provide support to reform Iraq's agricultural sector, including support to three governorates in planning and budget execution, as well as technical assistance to farmers through the establishment of an agricultural information centre that could be replicated in other governorates.

43. In October, the World Food Programme (WFP) reached an agreement with the Ministry of Trade on the submission of a budget to provide food rations for 10 million Iraqis and to strengthen the capacity of the public distribution system with regard to supply chain management. WFP is also providing food-related assistance to 550,000 primary school students in vulnerable areas of the country and building the capacity of the Ministry of Education to implement a national school food project to enhance enrolment, attendance and learning in primary schools.

44. In the health sector, the United Nations provided critical support to the Ministry of Health for the procurement of high-quality vaccines and medical supplies worth as much as $1 billion per year. The initiative, led by the United Nations Children's Fund (UNICEF), will supply the Iraqi health system with medicines and health supplies, significantly improving the quality of health services to the country's 15 million children. With United Nations support, the Ministry of Health and other ministries completed the drafting of the first national nutrition strategy, which aims to ensure proper nutrition for all children in Iraq.

45. The World Health Organization (WHO) is supporting the Ministry of Health and the Ministry of Higher Education through the "human resources for health" initiative. In order to respond to the challenge posed by the shortage of nurses and midwives, WHO arranged a national consultative meeting, held on 25 and 26 September and from 3 to 5 October, to review the draft national nursing and midwifery strategy.

46. As part of an initiative to reduce the incidence of hospital infections, on 12 October WHO delivered to the Ministry of Heath protective antiseptic clothing for patients and physicians in major hospitals in the country. Also in October, WHO was able to secure approximately $1 million from the Ministry of Health for second-line drugs for tuberculosis patients with multiple-drug resistance.

47. On 22 September, the Government and UNICEF launched the first survey on the state of the environment conducted in Iraq since 2005. The survey highlights the fact that people living in rural areas have significantly less access to water and

sanitation services than people living in urban areas. The survey was published as part of a broader partnership between UNICEF, the Government and the European Union to strengthen the capacity of Iraq in the water and sanitation sectors.

48. To promote the implementation of Security Council resolution 1325 (2000) on women and peace and security, UNAMI and mandated United Nations agencies, funds and programmes will be holding preparatory meetings from 24 to 27 November with the participation of the Ministry of State for Women's Affairs, parliament, provincial councils, the Iraqi High Commission for Women, civil society organizations and youth groups. The meetings will culminate in a global open day round-table discussion on 27 November, when achievements and challenges will be presented and the way forward agreed.

49. UNAMI and the United Nations country team are supporting the Government of Iraq in the development of a comprehensive strategy against gender-based violence. UNFPA, WHO, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) are jointly implementing a project to support the strengthening of women's rights in Iraq through the development of a national policy framework to combat violence against women, which will include specific monitoring mechanisms.

50. On 26 August, following the national conference on revitalizing the Iraqi marshlands held in Al-Basrah on 6 and 7 June, the United Nations Integrated Water Task Force published a report entitled "Managing change in the marshlands: Iraq's critical challenge". The report emphasizes the need to restore the marshlands as a vital environmental and developmental priority and calls for development of a national vision for the management and governance of the marshlands within the overall integrated management of water resources.

51. UNAMI and humanitarian agencies continue to support Iraq's responses to natural and man-made disasters. Since July, recurrent Turkish air strikes and Iranian shelling against suspected PKK and Party of Free Life of Kurdistan terrorists along the northern border areas in the Kurdistan region of Iraq have reportedly affected local communities, resulting in the displacement of civilians. Approximately 800 families have been displaced, 175 of which have been placed in three temporary camps. United Nations agencies, international non-governmental organizations and national humanitarian organizations have assisted local authorities in the three Governorates in the Kurdistan region to provide food, non-food and shelter items to the affected populations.

52. In close coordination with the Government and in cooperation with non-governmental organizations, the Office of the United Nations High Commissioner for Refugees (UNHCR) is providing support to internally displaced persons. From 1 January to 31 August, 26,590 internally displaced and refugee families returned to their place of origin or resettled in another location in Iraq. However, despite steady returns, some 1.2 million Iraqis are still displaced. UNHCR and the United Nations Human Settlements Programme (UN-Habitat) continue to support the Government in finding a durable solution to the problem of displacement through urban planning and land allocation. The recent appointment of a coordinator of the Higher National Committee for Displacement Affairs constitutes an important step, enabling the Government of Iraq to enhance its strategy to address and end displacement in the country. In August, some 5,840 internally displaced families and 2,330 refugee

families were registered with the Government as permanent returnees in their location of return. Multiple obstacles have prevented thousands of displaced persons from registering, thus limiting their access to services and compensation and the enjoyment of their rights.

53. The Syrian Arab Republic continues to host the largest number of Iraqi refugees, of which 112,331 have been registered by UNHCR. My Deputy Special Representative, Christine McNab, who is also the Resident Coordinator and the Humanitarian Coordinator, is monitoring the situation to ensure the readiness of the United Nations to respond to any population movements across the Syrian border. The work of the Deputy Special Representative is being carried out within the framework of the humanitarian country team, with UNHCR as the lead agency and together with counterparts in the region.

E. Human rights activities

54. On 8 August 2011, UNAMI and OHCHR released a report on the human rights situation in Iraq for 2010. In the report, a range of human rights issues are examined, including the impact of the ongoing violence targeted at civilians, detention, the rule of law and the protection of the rights of specific groups. The state of political rights in the country, including freedom of assembly and expression, were also covered in the report. While there has been improvement in some areas, it was found that many challenges remain and that overall the human rights situation in the country remains fragile.

55. During the reporting period, targeted attacks against civilians, government officials and security personnel continued. By some estimates, more than 10 Iraqis were killed or injured, on average, each day. On 15 July, two car bombs reportedly killed at least 8 people and injured at least 35 more in Karbala. On 25 September, attacks against government buildings in Karbala governorate resulted in the death of dozens of civilians and the injury of many others.

56. Attacks continued to be perpetrated against civilians because of their religious and ethnic affiliations, and against minorities. On 16 July, a bomb in Hindiya reportedly killed 6 Shiite pilgrims and injured 31. On 2 August, a car bomb exploded in front of a Catholic church in Kirkuk, injuring a priest and 19 others. Two other car bombs were found in front of an evangelical Presbyterian church and an Assyrian church. On 12 September, unknown gunmen stopped a bus of Shiite pilgrims in Al-Anbar governorate and killed all 22 men aboard. A number of murders of individuals from various religious and ethnic minorities have been reported in Ninawa, Kirkuk and Baghdad.

57. Children were among the victims of the violence. On 25 July, in Kirkuk governorate, a car bomb killed seven people, including two children aged 10 and 11, and injured seven other children. On 30 July, in Salah ad-Din governorate, three children were killed in an exchange of fire between Iraqi security forces and insurgents. On 15 August, a car bomb in a market in Al-Kut killed more than 60 people, including 16 children. There were reports of the abduction of children by unidentified armed groups for a range of political, criminal and sectarian motives.

58. There was a marked increase in assassinations of government officials, professionals and security personnel. On 30 September, the Directors-General of the

Ministries of Health, Finance and the Interior were targeted. The Director-General of the Ministry of Finance survived, while the other two were killed.

59. UNAMI continued to monitor conditions in detention facilities in Iraq, which are characterized by overcrowding, poor hygiene, a lack of rehabilitation programmes for detainees and poor security. On 19 September, the Ministry of Justice reported that a fire had broken out in a prison in Baladiyat in eastern Baghdad, killing 9 detainees and injuring 14 others. During a monitoring visit, Hilla Central Prison in Babil governorate was found to have 1,300 detainees, well beyond its official capacity of 300. On 2 August, a delegation from the Human Rights Committee of the Council of Representatives was denied access to the prison to investigate reports of human rights violations on the grounds that the Committee had failed to gain prior authorization from the Ministry of Justice. On 6 August, a riot broke out at the prison, during which at least eight prisoners escaped and during which at least three policemen and three detainees were killed and eight were wounded. There continue to be reports of children being held with adults in some detention facilities and of children being detained for their alleged involvement in armed insurgent groups, particularly around Al-Ma'sil.

60. On 22 August, it was reported that 40 death sentences had been confirmed, mostly against prisoners convicted of terrorism-related crimes. Since 2004, Iraq has sentenced over 1,180 people to death and has executed over 260. Over 800 people are awaiting confirmation of their death sentences by the Court of Cassation or have had their sentences confirmed by the Presidency Council and are awaiting execution.

61. On 15 July, Minister for Justice Hassan al-Shummari announced the handing over of Camp Cropper by the United States Forces in Iraq to the Ministry of Justice, along with 196 detainees. The facility has been renamed Kerkh Prison.

62. The fact that women suffer domestic and other forms of violence remains of concern, especially since there have been reports of a number of honour killings in various parts of the country. An important achievement in combating violence against women was the enactment by the Kurdistan Regional Government, in September, of the Family Protection Law, which aims to hold the perpetrators of honour crimes accountable and to protect victims in the region.

63. In partnership with UNDP, UNAMI continued to provide technical support for the establishment of the long-awaited Independent High Commission for Human Rights. With the support of the United Nations, the Committee of Experts appointed by the Council of Representatives to select the commissioners started shortlisting candidates. UNAMI and UNDP organized a workshop for the Committee of Experts, held in Istanbul, Turkey, from 7 to 9 September, at which representatives of several human rights commissions, including those of Malaysia and South Africa, discussed the process of selecting commissioners in accordance with internationally accepted standards and practices.

64. A national consultation conference facilitated by UNAMI and UNOPS was held in June 2011. The Government of Iraq is finalizing a national action plan on human rights. Through the proposed action plan, the Government aims to implement the recommendations made by the Human Rights Council in the framework of the universal periodic review of Iraq conducted in February 2010. In the Kurdistan region, UNAMI provided technical assistance and support for a regional

consultation conference, held on 24 and 25 July, involving Government and civil society representatives aimed at establishing a regional action plan on human rights.

65. During the reporting period, a number of peaceful demonstrations were held throughout the country. UNAMI received allegations of violence and intimidation by security forces against activists and journalists, including instances involving plain-clothed security forces and ambulances transporting arrested persons. For instance, it was reported that a photojournalist had been abducted by plain-clothed security personnel from a demonstration held in Baghdad's Tahrir square on 22 July. The photojournalist claimed that he had been taken to a riverside location, where he was subjected to a mock execution, and then further abused at another location. A prominent journalist, Hadi Mehdi, was found dead in Baghdad on 8 September, one day before the holding of demonstrations he had helped organize.

66. During the reporting period, the Government of Iraq reiterated its commitment to closing Camp Ashraf by 31 December 2011. UNAMI has called on the Government to abide by its obligations under international human rights law, in particular by protecting camp residents from the use of force, forcible deportation, expulsion or forced repatriation, in contravention of the principle of non-refoulement. In addition, the United Nations continues to advocate that the humanitarian needs of the residents be met. In this context, over the past year a team led by UNAMI and comprising representatives from UNHCR and OHCHR has been conducting weekly visits to the camp to monitor the human rights and humanitarian situation.

67. UNAMI and UNHCR are working to find a peaceful and durable solution that respects Iraqi sovereignty and international law. The United Nations has requested the Government of Iraq to give UNHCR the time and neutral space needed to interview and register the residents of the camp individually — an indispensable first step towards their resettlement. My Special Representative has been engaging the National Security Adviser of Iraq, Faleh al-Fayad, in this regard. On 15 and 17 November, a working group consisting of representatives of the United Nations and the Government of Iraq met in Baghdad to develop an operational plan to interview and register the residents. Approval by the Government of Iraq would be vital in moving this process forward. The support of the leadership of Camp Ashraf for United Nations efforts in this regard is also necessary.

68. In order to find a durable solution, it is essential that third countries indicate a willingness to receive camp residents for resettlement. My Special Representative, other senior United Nations officials and I personally have been encouraging Member States in this regard. In addition, my Special Representative and the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, met with Jean De Ruyt, the adviser on Camp Ashraf to the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton. Furthermore, UNAMI has been assisting the consular staff of several embassies to visit the camp and verify the claims of a small number of residents that they have documents showing their affiliation to certain third countries.

F. Security, operational and logistical issues

69. During the reporting period there was an overall decline in security incidents in the country, in part because of a decrease in attacks on installations and convoys of the United States Forces in Iraq and in part because of the weak reporting

capability of the host Government's security forces. As the scheduled drawdown of the United States Forces continues, the Iraqi security forces are being deployed throughout the country in an attempt to control areas previously monitored by the United States Forces. However, given their limited air and ground assets, they face challenges in securing all areas of the country. Between 500 and 700 security incidents occur each month and armed opposition groups are increasingly targeting Iraqi security forces and government employees.

70. Armed opposition groups maintain the capability to launch coordinated and complex attacks. On 15 August, during the holy month of Ramadan, a series of bombings killed dozens of people and wounded many others across the country. In more than a dozen cities, 37 allegedly coordinated attacks occurred, using car bombs, improvised explosive devices and suicide bombers. The attackers deliberately targeted security forces and locations where civilians congregated, including places of worship.

71. Given the progressive discontinuation of support by the United States Forces to static and mobile security units since July, the United Nations in Iraq is operating in a significantly different security environment, becoming more self-reliant and gradually depending upon the host country for security support. UNAMI has continued to develop its logistic support capabilities to ensure self-reliance.

72. UNAMI and the United Nations Humanitarian Air Service (UNHAS) are currently conducting integrated flight operations in Iraq. However, the UNHAS operation in Iraq is currently funded only until May 2012, which means that the continuation of UNHAS flights will depend on the availability of additional funding.

73. For reasons of synergy and efficiency, steps have been taken to place UNAMI and UNAMA offices in Kuwait in the same location. According to the recommendations of a team of experts from United Nations Headquarters, a process to integrate the existing support arrangements for the two missions has been initiated, including with regard to finance, human resources, information and communications technology and training, for which there could be integration, streamlining and relocation possibilities.

74. During the reporting period, UNAMI established a Police Advisory Unit. A Senior Police Adviser was recruited to coordinate the Unit, which is composed of four police advisers seconded from Member States. The advisers have been posted to hubs inside Iraq, including in Baghdad and Erbil. In October, the advisers established liaison channels with the Iraqi police force and the Ministry of the Interior, thereby providing UNAMI with enhanced information and advisory capacity on security and policing matters.

IV. Observations

75. The planned withdrawal of United States military forces from Iraq by the end of the year marks a historic turning point and marks another important milestone in Iraq's progress. The people of Iraq should be proud of the achievements they have made over the past eight years in building their young democracy. This includes the drafting of a Constitution and the holding of two national elections and provincial elections. While not underestimating the major challenges that still lie ahead, I am confident that with the support of the United Nations and the wider international

community, Iraq will achieve its full potential. The United Nations will continue to support Iraq, on the basis of the UNAMI mandate, in the areas of political facilitation, electoral assistance, human rights and reconstruction and development.

76. Since my last report, Iraqi political leaders have continued to discuss the implementation of power-sharing agreements reached in Erbil over a year ago that led to the formation of the current Government. While considerable efforts were made at the time to form a national partnership Government, a number of issues remain, particularly with regard to who will head the country's main security ministries. I urge the political leaders of Iraq to redouble their efforts and come to an understanding on implementing their past agreements so that the country can move forward and focus on addressing other pressing challenges.

77. The decision by the Salah ad-Din Provincial Council to initiate the process to declare itself an autonomous region, followed by similar calls in several other governorates, as well as the flag raising incident in Khanaqin, underscore the need for greater understanding and cooperation between the Government of Iraq, the Kurdistan Regional Government and the provincial councils. It is in the interest of all concerned to work together to make the Iraqi federal model, as enshrined in the Constitution, function. In particular, I would urge the Government of Iraq and the Kurdistan Regional Government to focus greater attention on resolving outstanding issues between them, particularly with respect to the pending oil and gas law and the disputed territories.

78. In this context, UNAMI will continue its efforts to promote political dialogue, primarily through the standing consultative mechanism. UNAMI intends to step up its efforts to help Iraqi leaders find practical ways to cooperate and resolve long-standing issues in the disputed internal territories, including the status of Kirkuk. In this regard, I am encouraged that all communities in Kirkuk have indicated that they would like to have the provincial council elections, not held since 2009, conducted as soon as possible. UNAMI will continue its efforts to facilitate discussions in reaching an agreement on the way forward in this regard.

79. In the light of the planned departure of United States military forces from Iraq, I would urge the Government of Iraq and the Kurdistan Regional Government to define the future of the combined security mechanism in the disputed internal territories. This mechanism has served as an important confidence-building measure and is credited for helping to bring greater stability to northern Iraq. UNAMI is prepared to assist in any future mechanism that is agreed upon, if requested by the parties concerned.

80. I welcome the timely start of the process to appoint a new Board of Commissioners of the Independent High Electoral Commission of Iraq to ensure a smooth transition once the tenure of the current Board expires in May 2012. I strongly encourage transparency in the selection process of the new Commissioners and reiterate the readiness of the United Nations to extend technical advice and support, if requested, in this regard. I also reiterate the commitment of the United Nations to continue its support and capacity-building assistance to the Commission so that it can continue to conduct electoral events in Iraq.

81. While much attention is being paid to addressing the country's political challenges, it should not be forgotten that the people of Iraq also expect elected leaders to address their socio-economic needs. As echoed in other countries across

the Arab world, Iraqi citizens are looking for improvements in the delivery of essential services, job creation and greater transparency. UNAMI, together with the rest of the United Nations family in Iraq, will continue to assist the Government of Iraq in meeting those needs.

82. I welcome the fact that the Government has started allocating funds from its federal budget for development projects in a cost-sharing partnership with the international community. Through this partnership, the United Nations country team will continue to implement projects that reflect the priorities of the Government in accordance with the United Nations Development Assistance Framework and the national development plan (2010-2014). I also welcome Prime Minister Al-Maliki's recent statement reiterating his Government's determination to combat corruption and his support for the work of the Iraqi Commission on Integrity. Progress in this regard would not only strengthen the Iraqi people's confidence in their elected representatives, it would also help ensure that this problem does not hinder the country's reconstruction and development efforts.

83. I remain concerned by reports of continued human rights violations in Iraq, particularly the pattern of violence that has been taking a toll on the lives of Iraqi civilians. Considerable challenges, therefore, need to be addressed to ensure that fundamental rights and freedoms are protected. In this context, it is of vital importance that the Independent High Commission for Human Rights finally be established. I also encourage the Government of Iraq and the Kurdistan Regional Government to finalize, at the earliest opportunity, their respective national and regional action plans on human rights, incorporating the recommendations put forward by Iraqi civil society groups.

84. I call upon the Government to fully investigate all allegations of human rights violations, including the killing and intimidation of journalists, to hold accountable any person found to have committed human rights violations and to do its utmost to ensure the full protection and respect for the peaceful exercise of the rights of freedom of assembly, freedom of opinion and freedom of information of all Iraq's citizens.

85. I am further concerned about the continued implementation of the death penalty in Iraq. I call upon the authorities to establish a moratorium on the use of the death penalty, in accordance with General Assembly resolution 62/149.

86. The situation in Camp Ashraf remains worrisome and there is an urgent need to find a peaceful and durable solution, given the short time remaining before the Government of Iraq's announced closure of the camp by 31 December 2011. I welcome the assurances given to me by the Government of Iraq that when closing the camp it will not use force and it will adhere to its humanitarian obligations under international law. The United Nations is committed to doing its utmost to help address this humanitarian issue in a way that fully respects Iraqi sovereignty and international law and that is acceptable to all concerned.

87. This is a complex and sensitive matter and while the United Nations will play the role of facilitator, it requires the full cooperation and support of all sides. The Government of Iraq bears primary responsibility for the welfare and safety of the residents of Camp Ashraf and is a key partner in efforts to find a peaceful solution. The leadership of the camp residents must also show flexibility and work in a cooperative manner towards a durable solution.

88. In this context, I appeal to the Government of Iraq to give UNHCR the time and neutral space it needs to interview and register the camp residents for resettlement. In order for this process to move forward, the leadership of the camp must also be supportive and allow the residents to participate in this verification process and freely say where they wish to be resettled.

89. It is my sincere hope that the working group consisting of representatives of the Government of Iraq and the United Nations that was established for this purpose will work out the details of the operational plan for interviewing the residents of the camp. I am also hopeful that the Government of Iraq will be willing to show some flexibility on the timing of the closure of the camp if tangible progress is made in the relocation of the residents outside Iraq before the end of the year.

90. The success of the UNHCR process will depend on the strong support of the international community and, in particular, on the willingness of third countries to receive camp residents deemed eligible for resettlement, including countries that have nationals and other affiliated persons in the camp. I therefore appeal to Member States for their support in this regard. Making progress early on would go a long way in giving the Iraqi authorities greater confidence in the process and create positive momentum towards a resolution.

91. On the regional front, I once again condemn the continuing terrorist attacks by the PKK and the Party of Free Life of Kurdistan against Iraq's neighbours, particularly Turkey and the Islamic Republic of Iran. It is clearly unacceptable for the territory of Iraq to be used by these groups to launch cross-border attacks. The sovereignty and territorial integrity of Iraq and its neighbours must be respected. I therefore urge Iraq and the affected countries to continue to engage in a constructive dialogue in order to find a peaceful solution to this challenge. I also call on all parties to ensure the utmost respect of humanitarian principles to protect civilians living along the border areas.

92. It has been almost a year since the Security Council took the historic step of lifting most of Iraq's obligations under Chapter VII of the Charter of the United Nations, a move aimed at helping Iraq normalize its international status pursuant to Council resolution 1859 (2008). I remain committed to seeing this goal achieved. However, this will not be possible unless Iraq fully implements its outstanding obligations pertaining to Kuwait, namely the repatriation of Kuwaiti and third-country nationals or their remains, the return of Kuwaiti property, including national archives, as well as the Iraq-Kuwait boundary maintenance project and compensation payments to Iraqi private citizens pursuant to Council resolution 899 (1994). In addition, Iraq's reaffirmation of the land and sea borders on the basis of Council resolution 833 (1993) would serve as an important confidence-building measure.

93. I am encouraged that the leaderships of both nations have expressed a strong desire to make concrete progress on bilateral relations following the exchange of high-level visits by representatives of the two countries early this year. I therefore would like to urge the Governments of Iraq and Kuwait to resume their bilateral dialogue under the Joint Ministerial Committee that they established in January 2011 to address outstanding concerns and work towards finding mutually acceptable solutions.

94. As I stated in my report pursuant to resolution 1859 (2008), submitted to the Security Council over two years ago, the road map for the normalization of relations

between the two countries is clear (see S/2009/385). UNAMI, through my Special Representative for Iraq, my High-level Coordinator and me personally, stands ready to do whatever is necessary to expedite this process on the basis of Iraq's full implementation of its remaining obligations under Chapter VII.

95. In view of the planned withdrawal of the United States Forces in Iraq, I would like to thank the Government of the United States for having provided invaluable security and logistical support to the United Nations over the years. I would also like to express my gratitude to the Government of Iraq and its security forces for providing security for United Nations premises and personnel as the United States military continues its drawdown. I also thank the Government of Iraq for allocating an additional compound for use by the United Nations in Baghdad, which has allowed UNAMI and the United Nations country team to continue to strengthen its presence in Baghdad.

96. I would like to express my sincere thanks to my former Special Representative, Mr. Melkert, who over the past two years has helped shape United Nations efforts to assist the people and Government of Iraq. I also wish my new Special Representative, Mr. Kobler, who assumed his duties in Iraq in October, success in fulfilling his mandate. Finally, I would like to express my gratitude to the women and men serving the United Nations in Iraq for their continued dedication and commitment.

United Nations S/2011/737

Security Council

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29 November 2011

Original: English

France: draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Taking note of the interim and final reports (S/2011/345 and S/2011/738) of the Group of Experts on the Democratic Republic of the Congo ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolutions 1807 (2008), 1857 (2008), 1896 (2009) and 1952 (2010) and of their recommendations, and *welcoming* the ongoing collaboration between the Group of Experts and the Government of the Democratic Republic of the Congo, as well as other Governments in the region and other international forums,

Reiterating its serious concern regarding the presence of armed groups in the Democratic Republic of the Congo, including the provinces of North and South Kivu and Orientale Province, which perpetuate a climate of insecurity in the whole region, and *reiterating its concern* about the support received by these armed groups from regional and international networks,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo in violation of resolutions 1533 (2004), 1807 (2008), 1857 (2008), 1896 (2009) and 1952 (2010), *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the Democratic Republic of the Congo, and *stressing* the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008),

Recalling the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Please recycle

Underlining the importance of economic development to ensure long-term stabilization and peace consolidation, *expressing* in this regard its concern about further rise in unemployment and worsened poverty in some mining areas, and *noting* at the same time the link between the exercise of due diligence by some *comptoirs*, the improvement of the mining sector governance and the rise of minerals production and export in other mining areas as reported by the Group of Experts,

Welcoming the regional efforts by the countries of the Great Lakes region in the context of the International Conference on the Great Lakes Region against the illegal exploitation of natural resources, *noting* the commitment of these countries to establish a Regional Initiative against the Illegal Exploitation of Natural Resources and their endorsement of the due diligence guidelines, as defined by the Organization for Economic Cooperation and Development, and *encouraging* those states to implement the components of the Regional Initiative,

Expressing its concern that armed groups are turning increasingly to new sources of funding through diverse criminal activities, including illicit drug trafficking, illegal taxation and agricultural sales,

Noting with great concern the persistence of human rights abuses and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers, and widespread sexual violence, *stressing* that the perpetrators must be brought to justice, *reiterating* its firm condemnation of all human rights abuses and international humanitarian law violations in the country, and *recalling* all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 30 November 2012 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 2, 3 and 5 of that resolution;

2. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 7 of that resolution;

3. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008);

4. *Requests* the Secretary-General to extend, for a period expiring on 30 November 2012, the Group of Experts established pursuant to resolution 1533 (2004) and renewed by subsequent resolutions and *requests* the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008), and to report to the Council in writing, through the Committee, by 18 May 2012 and again before 19 October 2012;

5. *Reaffirms* the provisions of paragraphs 6 to 13 of resolution 1952 (2010) and *requests* the Group of Experts to include in their evaluation of the impact of due diligence a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo;

6. *Welcomes* the support of the due diligence guidelines, as defined by the United Nations Group of Experts and the Organization for Economic Cooperation and Development, by the Democratic Republic of the Congo, *welcomes further* the measures taken by the Congolese Government to implement the guidelines and *calls on* all States to assist the Democratic Republic of the Congo and the countries in the Great Lakes region in the implementation of the guidelines;

7. *Encourages* all States, particularly those in the region, to continue to raise awareness of the United Nations Group of Experts due diligence guidelines, in particular in the gold sector as part of broader efforts to mitigate the risk of further financing armed groups and criminal networks within the Armed Forces of the Democratic Republic of the Congo (FARDC) in the Democratic Republic of the Congo;

8. *Encourages* the Democratic Republic of the Congo and the States in the Great Lakes region to require their customs authorities to strengthen their control on exports and imports of minerals from the Democratic Republic of the Congo and *calls upon* the international community to assist the Democratic Republic of the Congo and other States in the Great Lakes region as necessary and requested, to enhance their capacities in this regard;

9. *Recommends* that all States, particularly those in the region, regularly publish full import and export statistics for natural resources including gold, cassiterite, coltan, wolframite, timber, and charcoal and enhance information sharing and joint action at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources;

10. *Recalls* the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to support the relevant Congolese authorities in preventing the provision of support to armed groups from illicit activities, including production and trade in natural resources, notably by carrying out spot checks and regular visits to mining sites, trade routes and markets, in the vicinity of the five pilot trading counters;

11. *Encourages* the Government of the Democratic Republic of the Congo to enhance stockpile security, accountability and management of arms and ammunition, with the assistance of international partners as necessary and requested, and to urgently implement a national weapons marking program, in particular for state-owned firearms, in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

12. *Encourages* the Government of the Democratic Republic of the Congo to continue to address the underlying issue of the cohesion of the national Army, including by further ensuring proper integration and vetting of former armed groups, in particular the Congrès National pour la Défense du Peuple (CNDP), into the FARDC, to ensure that members of the National Army are paid in a timely fashion, operate in accordance with established command and control regulations, and are subject to such disciplinary action as may be appropriate when regulations are violated, and to ensure that the Congolese security forces redeploy to mitigate the

threats caused by security vacuums, including those which have arisen during the reconfiguration process of the FARDC;

13. *Demands* that all armed groups, in particular the FDLR, the LRA, Mai Mai Yakutumba, the Forces Nationales de Libération (FNL) and the Allied Democratic Forces (ADF) lay down their arms and immediately cease all forms of violence, human rights abuses and international humanitarian law violations against the civilian population in the Democratic Republic of the Congo and the Great Lakes region, in particular against women and children, including rape and other forms of sexual abuse, and demobilize;

14. *Welcomes* the ongoing efforts of the Congolese authorities to fight against impunity and *encourages* their continuation, including against perpetrators of human rights abuses and international humanitarian law violations, including sexual violence, and against those responsible for illegal exploitation of natural resources, including those commit.ed by any illegal armed groups or elements of the FARDC;

15. *Stresses* the importance of the Congolese Government actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through its ongoing cooperation with the International Criminal Court and *encourages* MONUSCO to use its existing authority to assist the Congolese Government in this regard;

16. *Encourages* enhanced cooperation between all States, particularly those in the region, MONUSCO and the Group of Experts, *encourages further* that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control and *reiterates* its demand that all parties and all States ensure the safety of its members, and unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

17. *Calls upon* the Group of Experts to cooperate actively with other relevant panels of experts, in particular that on Côte d'Ivoire re-established by paragraph 13 of resolution 1980 (2011) and that on Liberia re-established by paragraph 6 of resolution 1961 (2010) with respect to natural resources;

18. *Encourages* MONUSCO to take into account the findings of the Group of Experts regarding armed groups and challenges to the integration of armed groups in the Mission's contingency plans in the six-month post-electoral period;

19. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of this resolution are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 2, and 3 and recommended in paragraph 8 of resolution 1952 (2010);

20. *Encourages* all States to submit to the Committee for inclusion on its list of designees, individuals or entities that meet the criteria set out in paragraph 4 of resolution 1857 (2008), as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities;

21. *Decides* that, when appropriate and no later than 30 November 2012, it shall review the measures set forth in this resolution, with a view to adjusting them,

as appropriate, in light of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

22. *Decides* to remain actively seized of the matter.